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Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

Contents

Agenda item 114: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)

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The meeting was called to order at 3.10 p.m.

Agenda item 114: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/55/L.30)

Introduction of draft resolution A/C.3/55/L.30

1. **Mr. Iversen** (Denmark), introducing draft resolution A/C.3/55/L.30 entitled "Torture and other cruel, inhuman or degrading treatment or punishment", announced that Australia, El Salvador, Georgia, Hungary, Uganda and Ukraine had joined the sponsors. After summarizing the main elements of the draft resolution, he made special reference to the annex containing the principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment, and indicated that, although the principles did not introduce any innovations, they comprised important criteria for research and documentation in that area. Since the text of the draft resolution was the result of consultations open to all delegations, he hoped that it would be adopted without a vote.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/55/177, A/55/213 and Add.1, A/55/214 and Add.1, A/55/275 and Add.1, A/55/279, A/55/280 and Add. 1 and 2, A/55/283, A/55/288, A/55/289, A/55/291, A/55/292, A/55/296 and Add.1, A/55/302, A/55/306, A/55/328, A/55/342, A/55/360, A/55/395-S/2000/880, A/55/404-S/2000/889, A/55/408 and A/C.3/55/52)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/55/269, A/55/282* and Corr.1, A/55/294, A/55/318, A/55/335, A/55/346, A/55/358, A/55/359, A/55/363, A/55/374, A/55/400, A/55/403, A/55/509 and A/55/426-S/2000/913)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/55/36 and A/55/438-S/2000/93)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/55/36)

2. **Ms. Nicodemus** (Brazil) said that, although the international community had recognized that human rights were universal and inalienable, many States continued to violate them and protected themselves from any criticism by invoking a distorted version of the principle of non-interference in the internal affairs of a State, enshrined in the Charter of the United Nations. The human rights reports clearly underlined the need for the international community to take measures to improve the situation and strengthen monitoring mechanisms, with the active participation of civil society. Brazil supported the mandates of the thematic rapporteurs and country rapporteurs of the Commission on Human Rights and the work of the treaty bodies and considered that efforts should be made to rationalize and strengthen all the human rights mechanisms of the United Nations by providing them with additional resources.

3. Her Government and Brazilian civil society were firmly committed to democracy, the rule of law and the protection of human rights and fundamental freedoms. During the current year, her Government had increased its cooperation with the United Nations human rights system and received the visit of the United Nations High Commissioner for Human Rights, with whom it had signed a memorandum of understanding for technical cooperation. Sir Nigel Rodley, Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment, had also visited the country and had established contact with federal and state authorities and representatives of civil society. Her Government had submitted its initial report to the Committee against Torture and was continuing to apply the human rights plan of action. Special mention should also be made of her Government's project to establish a network of human rights monitoring centres, which was already functioning in São Paulo. The initiative, which had the support of the United Nations High Commissioner for Human Rights, was intended to allow non-governmental organizations, universities, governmental agencies and local communities to participate in detecting human rights violations and providing solutions. Lastly, Brazil was committed to the promotion of human rights and

considered that States that allowed human rights to be violated forfeited their legitimacy.

4. **Ms. Enkhtsetseg** (Mongolia) said that three-quarters of the countries of the world now had democratic regimes that recognized human rights and fundamental freedoms. However, laws and declarations were not enough; it was crucial to apply human rights instruments effectively at the local and national levels. During the past decade, the interdependence of the effective exercise of human rights and enjoyment of the right to development had been recognized. In that context, her delegation welcomed the *Human Development Report* of the United Nations Development Programme (UNDP) and the preliminary report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/55/342). The workshop on the topic, to be held in Asia and the Pacific in 2001, would undoubtedly make a valuable contribution to the issue.

5. It was encouraging that, during the Millennium Summit, there had been 273 signatures or ratifications of international treaties. Mongolia, whose constitution guaranteed all human rights and fundamental freedoms, had signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and expected to ratify it in the near future. During the current year, Mongolia had also ratified International Labour Organization (ILO) Convention No. 182 on the Elimination of the Worst Forms of Child Labour. In addition, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had just been submitted to Parliament for ratification. The Mongolian Parliament had already ratified a total of 30 international human rights instruments and was carrying out an intensive process of legislative reforms to ensure the consistency of domestic laws with international standards. Her Government had also taken a series of measures to follow up on the global conferences held during the 1990s. In 1994, a parliamentary subcommittee on human rights had been established. Currently, a draft law on the establishment of a national human rights commission was before Parliament. Her Government, which had been formed after the June elections, had pledged to guarantee security and promote human rights and human-centred development.

6. Her delegation was pleased to note that in recent years the Office of the United Nations High Commissioner for Human Rights had strengthened the technical cooperation programme, particularly in the areas of establishing national human rights institutions, administration of justice, legislative reform, human rights education and treaty reporting. Mongolia also welcomed the initiatives that the Office had recently taken to improve the system for submitting reports and the operation of treaty bodies and appreciated the collaboration between the relevant agencies of the United Nations system in promoting the right to development at the country and inter-agency levels. Mongolia believed that the innovative ideas put forward by the independent expert on the right to development should be further explored by the open-ended working group.

7. In Mongolia, the technical cooperation programme was being implemented in collaboration with the Office of the High Commissioner in areas such as the promotion of human rights education, prison reform, and training lawyers and criminal justice personnel. Ms. Robinson herself had visited Mongolia in August 2000; during that visit, her Government and the Office of the High Commissioner had identified areas of cooperation for the coming years. Regional cooperation was also decisive for the promotion of human rights. A series of regional workshops had allowed a consensus to be reached on the principles of the Framework for Regional Technical Cooperation in the Asian and Pacific region. In the context of the Framework, her Government, in collaboration with the Office of the High Commissioner and the Inter-Parliamentary Union, had organized a seminar on enhancing the role of parliaments in the promotion and protection of human rights.

8. Mongolia reiterated its keen interest in continuing to cooperate with the Office of the High Commissioner in the four areas of action included in the Framework for Regional Technical Cooperation: formulating national action plans; strengthening national human rights institutions; human rights education; and strategies for promoting economic, social and cultural rights and the right to development. Mongolia also looked forward to participating in the Human Rights Strengthening programme (HURIST), of the United Nations Development Programme (UNDP) and the Office of the High Commissioner, designed to integrate human rights dimensions, including the right to development, into development programming.

9. Her delegation supported the efforts of the Office of the High Commissioner to prepare for the World

Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It was to be hoped that the Conference would result in measures to address those atrocities. It was encouraging that a total of 64 Presidents, including the President of Mongolia, had signed the declaration on tolerance and diversity during the Millennium Summit. Lastly, she said that the exercise of human rights and the right to development required stronger action by the international community and greater solidarity, particularly to help disadvantaged peoples and countries overcome inequalities and marginalization.

10. **Mr. Kobayashi** (Japan) said that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing. Democracy was essential to the universal enjoyment of human rights since it promoted the people's participation in governance and development. For that reason, his delegation would again support the adoption of a resolution on the protection and consolidation of democracy at the current session of the General Assembly. In that connection, he congratulated the people of the Federal Republic of Yugoslavia on the peaceful transition to democracy that they had achieved through the recent election. His Government would support the newly elected Government in its efforts to establish and consolidate a democratic nation.

11. The promotion of democratization was a priority for Japan, as was clearly seen in its policy on official development assistance (ODA). Furthermore, his Government had been promoting the concept of partnership for democratic development since 1996. Democratic development and the promotion and protection of human rights required not only political will on the part of Governments, but also appropriate systems, institutions and human resources. Thus, Japan provided bilateral support in that area after consultations had been held and agreement reached. Specifically, it had dispatched experts and supported training courses and seminars on the establishment of legal and administrative systems. It also supported the activities of non-governmental organizations (NGOs) and local governments and provided assistance with the establishment of strong and independent media. It dispatched personnel and provided financial assistance, training, materials and equipment for the holding of democratic elections. It also provided grants for research in that field and for cultural and educational activities and, since 1994, had provided electoral assistance on some 40 occasions.

12. He welcomed the publication by the United Nations Development Programme (UNDP) of the *Human Development Report*, which dealt with the theme of human rights and human development, and he endorsed the point made in the report that democracy was the best mechanism for advancing and securing human rights. Equality, non-discrimination and other human rights principles would in turn strengthen development. His Government attached great importance to the right to development and therefore welcomed the outcome of the meeting of the Working Group on the Right to Development that had been held in Geneva. The right to development should not be understood as the right of developing countries to economic assistance; however, the international community should support Governments' efforts in that area. His delegation supported the proposal of the independent expert on the right to development that a step-by-step approach should be taken and that discussion should be initiated on three human rights relating to the meeting of basic human needs: the right to food, the right to primary health care and the right to primary education. It also believed that the rule of law and good governance were indispensable in guaranteeing the effective exercise of the right to development.

13. Adoption by the General Assembly of a resolution on the situation of human rights was one way of expressing the view of the international community and of working for change, while another was to deliver the message bilaterally and directly to the Government concerned. His Government intended to make full use of both those approaches. With respect to the situation in Cambodia, he welcomed the Cambodian Government's efforts to promote and protect human rights and democracy through the drafting of the Governance Action Plan, the establishment of the Council for Judicial Reform and its steps to combat trafficking in women and children. He also welcomed the conclusion of the talks between the Government of Cambodia and the United Nations on the trial of the Khmer Rouge leaders responsible for the most serious human rights violations. However, it was unfortunate that, as a result of the long civil war, the Cambodian Government's willingness and commitment in the area of nation-building had been affected by a lack of human and financial resources.

His Government would continue to support Cambodia's efforts and invited other members of the international community to do the same.

14. Japan fully supported the efforts of the Special Envoy of the Secretary-General for Myanmar with a view to national reconciliation and urged other Member States to express their strong support for those efforts. It appealed to the Government of Myanmar and the National Democratic League to do their utmost to establish a meaningful dialogue in close cooperation with the Special Envoy. It also urged the Government of Myanmar to take immediate, concrete action on the issue of forced labour; unless that was done, the International Labour Organization (ILO) would take drastic measures that would have serious consequences for the people of Myanmar.

15. His Government welcomed the progress in the situation of human rights in Iran under President Khatami. The Government of Iran and the Government of Japan had recently held their first dialogue on human rights. His Government hoped that the Government of Iran would continue to take measures for the promotion and protection of human rights and that it would invite the Special Representative, in the same spirit of openness that it had shown Japan, to explore the current situation in that country and would engage in a more constructive dialogue. With respect to the financing of the Office of the High Commissioner for Human Rights, although the regular budget for the biennium 2000-2001 included a modest increase in the resources allocated to the human rights programme, it was not sufficient to meet the demand imposed by the growing number of human rights programmes carried out by the United Nations system. His delegation welcomed the ongoing effort by the chairpersons of the human rights treaty bodies to further improve their functioning in order to ensure effective implementation of those instruments. At the same time, it considered that adequate resources for the operation of each human rights treaty body should be provided from the regular budget of the United Nations. It must be borne in mind that owing to the increased number of countries that had become parties to human rights instrument and to the growing number of requests for technical assistance and advisory services, the Office's workload was steadily increasing. Japan would continue to support the programmes of the Office of the High Commissioner through its voluntary contributions and requested the Office to provide donor countries with a more prompt and transparent report on the use of voluntary funds.

16. **Mr. Carranza** (Guatemala) said that the Government of Guatemala firmly believed in the international system for the promotion and protection of human rights. It considered that the respective international instruments and machinery for their promotion and protection, in particular, within the United Nations system, constituted an invaluable support for Guatemala's national efforts to achieve a negotiated settlement of the armed conflict that had hampered its development for so many years. Guatemala continued to cooperate with such machinery in order to strengthen respect for civil, political, economic, social and cultural rights at the international level and implement them at the national level. That belief had led Guatemala to actively promote strengthening the Commission on Human Rights machinery through the appointment of a special representative of the Secretary-General to report on the situation of human rights defenders, and it hoped that there would be strong support for his mandate, through the corresponding resolution submitted to the current session of the General Assembly.

17. The peace process in Guatemala was rather complex and entailed a series of obligations ranging from fiscal to judicial reforms, some of which had still not been carried out. Although significant progress had been made over the last three years, complex problems still remained to be resolved, and the most important element was to guarantee the "sustainability" of the advances that had been made to date. The Commission to Follow up the Implementation of the Peace Agreements had given priority to the issues of human rights and national reconciliation.

18. Guatemala believed that the implementation of the recommendations of the Commission for Historical Clarification was important, particularly with regard to the programme of compensation for victims of violations against human rights during the armed conflict. The Government of Guatemala had executed two pilot programmes which paid special attention to communities affected by the violence including their situation of extreme poverty and the fact that they had not benefited from any other assistance programme. The intention of the programmes was to provide information for the elaboration of the national compensation and assistance programme.

19. The Peace Secretariat had established a commission for peace and harmony to facilitate the examination of such important issues as integrated policies for seeking those who had disappeared and exhumations. Another initiative was the campaign to identify and locate clandestine cemeteries. The Congress of the Republic had proclaimed February 25, the date on which the report of the Commission for Historical Clarification had been submitted, the Day of the Victims of Violence, in homage to the sufferings of the population.

20. Many of the problems that affected the implementation of the peace agreements were due in part to the scarcity of financial resources. Already, the fourth report of the United Nations Verification Mission in Guatemala (MINUGUA) underlined the need to mobilize more resources for democratization and consolidation of the peace process. His delegation wished to put on record the Government's firm commitment to continue fulfilling all the obligations it had assumed. Accordingly, during the current session of the General Assembly, it had started taking the necessary steps to request the Secretary-General to grant a further three-year extension of the mandate of MINUGUA in order to maintain an independent body to verify the sound and long-lasting implementation of the peace agreements.

21. **Mr. Naess** (Norway) said that, in the Millennium Declaration, each Government had recognized that, in addition to national obligations, countries had a collective responsibility to uphold the principles of human dignity, equality and equity at the global level. Human rights, which had a bearing on each of those values, were obligations undertaken by all States, and all possible ways of implementing them should be explored. The self-evident national measures that could be adopted ranged from the enactment of laws and regulations to policy formulation, supervision of practice and encouragement of relevant initiatives. Since the fifty-fourth session of the General Assembly, Norway had developed a national plan of action for human rights which examined all those measures.

22. Norway assigned a high priority to the fight against racism and racial discrimination and addressed all aspects of racism and discrimination through initiatives in the areas of legislative reform, institution-building, strengthening of monitoring functions and stimulating debate at the local and national levels. In 2001, the special session on the follow-up to the World Summit for Children would be held, in which Norway would concern itself with issues of child labour, war-affected children, the sale of children and issues related to children and the media. He was pleased to note that a large number of States had already signed the two protocols to the Convention on the Rights of the Child and hoped they would be ratified universally. Norway had signed those two protocols during the special session of the General Assembly, in June 2000, and preparations were well under way for parliamentary approval of the ratification.

23. Millions of women worldwide suffered from the effects of violence, which took on a variety of forms ranging from domestic abuse and rape to female genital mutilation. Such acts could only be considered serious human rights problems requiring State intervention. The violation of children's rights, particularly when they faced — and even used — guns, should serve as a warning regarding the urgent need to achieve greater respect for human rights throughout the world. His Government continued to be concerned about the application of the death penalty and urged all States that had not yet abolished capital punishment to do so.

24. The situation in Afghanistan was also a source of concern. In particular, he urged the Taliban to put an end to the grave violations of the human rights of women and girls and to promote employment and health care for all citizens. There were recurring serious violations of human rights when the authorities refused to heed the voice of their own people, as in Myanmar, where there were no signs of dialogue between the military rulers and the democratically elected representatives. He strongly urged the Government of Myanmar to engage in political dialogue with the political leaders, including Aung Sang Suu Kyi and representatives of ethnic groups. In Iraq, the situation continued to be characterized by the most flagrant disregard for human rights.

25. The situation in the Great Lakes region was characterized by violence and threats. The sustainability of peace in Rwanda was being sorely tried, but he was encouraged by its effort to establish a national institution for human rights and renewed cooperation with UNHCR. War still ravaged Burundi, the Democratic Republic of the Congo and other parts of Africa, and the hopes raised by the previous year's peace agreement on Sierra Leone had not been realized for the majority of the country's inhabitants.

26. Norway had a long history of development cooperation with Zimbabwe; however, the gradual erosion of respect for human rights and the rule of law in that country was seriously impeding the prospects for real development. The situation of war-affected children remained a source of concern in the Sudan, another country where conflict was leading directly or indirectly to severe abuses of human rights. His delegation was encouraged by the recent agreement between the Governments of Uganda and the Sudan to identify, demobilize and repatriate child soldiers in their territories. He commended the Government of Colombia for its vigorous efforts to initiate a peace process with the main guerrilla groups and hoped that there would be sustained improvement in the protection of civil society from the actions of paramilitary groups and other agents of violence. As one of the facilitators of that peace process, his Government urged all Member States to support the process in order to bring about improvement in the human rights situation.

27. His Government had entered into a dialogue on human rights with various countries, including China. While there had been progress in improving the economic and social conditions of most Chinese, much remained to be done with respect to restrictions on the practice of religion or belief and freedom of association and speech, and the human rights situation in Tibet remained a cause for concern. The recent peaceful transfer of power in Yugoslavia was encouraging; his Government stood ready to assist the new democratic forces in their efforts to restore the rule of law and fundamental human rights in that country, which would be an important development for the whole region.

28. **Ms. Wensley** (Australia) said that her delegation joined its voice to those who had welcomed Yugoslavia's rejection of a corrupt, authoritarian regime and applauded the emphasis that the democratic forces in that country had given to human rights and the rule of law. With the establishment of sound institutions and good governance practices, Yugoslavia would be able to return to the family of nations and its people would again be able to enjoy the full spectrum of human rights.

29. In other parts of the world, including the South Pacific, there had been setbacks and turbulence. Such situations arose when the central pillars of good governance — the rule of law, participatory government, accountability and transparency — were not solid. Social cohesion, respect for the human rights of other groups within a population and the international reputation of the State concerned could crumble with remarkable speed. Her Government was gratified that during the current year, the Commission on Human Rights had recognized the inseparable links between good governance and respect for human rights, and it looked forward to continuing to cooperate with other Governments, particularly in the Asian and Pacific region, in order to find practicable ways of giving good governance the priority that it deserved. Her Government remained concerned at the impact that the May 2000 coup might have on the political, economic and social institutions of Fiji and was therefore keen to see an early restoration of democratic and constitutional governance in that country. It welcomed the peace agreement signed by the parties to the conflict in Solomon Islands and had pledged to continue to support the peace process. The agreement was a step forward, but only the Solomon Islanders could address the complex cultural problems underlying the ethnic tension.

30. Her Government welcomed Indonesia's progress towards establishing a more just, open and accountable society and recognized the challenges of putting so many reforms into effect. The August 2000 decision of the People's Consultative Assembly to incorporate a new chapter on the protection of human rights into the Indonesian Constitution was a welcome step in increasing the institutional protection of human rights in that country. Her Government strongly supported Indonesia's efforts to improve its legal and judicial system and was providing practical technical assistance. She urged the Government of Indonesia to do its utmost to resolve the situation in West Timor by, inter alia, putting an end to militia activity, bringing to justice those responsible for crimes, creating the conditions for the return of humanitarian workers and resolving the refugee situation.

31. Australia acknowledged the Burmese Government's readiness to work with the International Committee of the Red Cross on the situation of political prisoners, and took note of the announcement by that Government on 10 August that it would set up a national human rights commission. However, the situation in that country was still a cause for concern, as shown by the recent developments which had set back the prospect of dialogue with the National League for Democracy and Aung San Suu Kyi; in addition, Australia deplored the fact that the Government denied

Aung San Suu Kyi her right to freedom of movement and association.

32. While Australia recognized that positive steps had been taken in Cambodia, it urged the Government to make every effort to address the issue of extrajudicial killings and to continue to work with the international community to ensure that former Khmer Rouge leaders were brought to trial for the crimes they had committed.

33. Australia acknowledged that the People's Republic of China had made progress towards greater transparency in its legal and administrative systems. However, it was concerned about continued infringements of citizens' freedom of opinion, belief, assembly and association, in contravention of the two main human rights instruments which China had signed. The use of torture and of the death penalty, even for minor crimes, were also disturbing. Australia urged China to provide for the protection of the cultural and religious freedoms of minority groups.

34. With respect to the Islamic Republic of Iran, some positive developments had taken place, although Australia was concerned about freedom of the press and the treatment of minority groups. Australia urged the Iranian authorities to ensure that minorities, particularly Jews and Baha'is, were accorded the full protection of the law under the Iranian Constitution.

35. Australia also remained concerned about the situation of refugees and human rights in the Great Lakes region. It welcomed the recent signing of the Peace and Reconciliation Agreement for Burundi and urged all the signatories to implement its provisions and work towards a long-term solution that would be acceptable to all. With respect to the Sudan, Australia urged the Government and all parties to the conflict to cooperate with international agencies to address the needs of the Sudanese people, who were suffering the consequences of the prolonged conflict.

36. Australia was also concerned about the restrictions placed on political parties, the media, non-governmental organizations and ordinary citizens in Cuba, and urged the Government to allow those groups to function freely and to adhere to international standards relating to the arbitrary detention of political activists.

37. Australia particularly deplored the human rights situation of women and girls in Afghanistan as a result of the Taliban's strict social policies, and appealed to all Afghan factions to respect universal human rights standards and to abide by the principles of international law by allowing free and safe access for United Nations personnel to deliver vitally needed humanitarian aid.

38. The Government and people of Australia were deeply disturbed by the injury and loss of life resulting from the violent confrontations in the West Bank, Gaza and parts of Israel. They appealed to all communities to respect the lives and welfare of others, to stop the violence and to develop the necessary conditions for peaceful coexistence. Lastly, Australia reaffirmed its commitment to human rights and its readiness to contribute constructively to United Nations efforts to ensure their protection and advancement.

39. **Mr. Tapia** (Chile) said that, by signing the Vienna Declaration and Programme of Action, Chile had assumed the responsibility of conceptually and operationally improving the human rights protection system by understanding and highlighting the importance of the universality, indivisibility, interdependence and interrelatedness of all human, civil, political, economic, social and cultural rights, including the right to development. Consequently, Chile remained fully committed to the Universal Declaration of Human Rights, since those rights represented shared universal values and constituted a common ideal to which all peoples and nations should aspire. Chile had also advocated the establishment of the Office of the United Nations High Commissioner for Human Rights and of a permanent International Criminal Court, the Statute of which had been signed by Chile in Rome on 11 September 1998.

40. Currently, Chile was instituting profound changes to consolidate the rule of law and its democratic institutions, in line with the principles of international human rights law, both in the United Nations system and in the inter-American system. Chile stressed its commitment, under article 28 of the Universal Declaration of Human Rights, to guarantee to everyone the right to a social and international order in which human rights could be fully realized. To that end, the international community must take the economic, social and cultural aspects of human rights into account by promoting and implementing the relevant international conventions so that they could have a real impact on those rights and on the improvement of the living conditions of all people.

41. In its foreign policy, Chile had always supported the implementation and strengthening of the various international instruments for the protection of human rights and of the oversight mechanisms established by the United Nations system. It also supported the development and strengthening of systems for international cooperation in the area of technical assistance and training in human rights, which would help to consolidate each country's efforts to establish a State genuinely governed by the rule of law. Moreover, it supported United Nations efforts to prevent and redress national situations of gross and systematic violations of human rights. In that regard, the Office of the United Nations High Commissioner for Human Rights was of particular importance to Chile, which reaffirmed its determination to cooperate in all initiatives undertaken in that area to ensure that they attained their objectives.

42. His delegation underscored its strong conviction for human rights to be universally in force there must be a recognition of the intrinsic dignity of all inhabitants of the planet, regardless of culture, religion, social condition, ethnic origin, gender or traditions. Neither underdevelopment nor cultural singularities could be invoked to justify limiting the human rights recognized in the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and the other treaties that made up the universal system for the advancement and protection of human rights and fundamental freedoms.

43. Universality entailed responsibilities and his Government had assumed them without hesitation, as evidenced by its commitment, through regional and global instruments, to defending human rights and democracy and eliminating racism, xenophobia and other forms of discrimination. Chile was pleased to be hosting the forthcoming American regional preparatory meeting for the World Conference against Racism to be held in Durban, South Africa. Chile was a nation acting in full unison with the international community, possessed of a civil society that was increasingly involved in national affairs, a respect for human rights and the rule of law and courts that dispensed justice strictly and responsibly, a nation with an open, booming economy, which was working steadily to do away with inequalities. Chile reached out to the world from the region to which it belonged, Latin America.

44. **Mr. Al Haj Ali** (Syrian Arab Republic) said that in view of the interconnection of human rights, the international community must deal with them on a just and egalitarian basis without applying a double standard, while at the same time bearing in mind the importance of the regional and national cultural, religious and historical characteristics of each country. In that connection, his Government was deeply concerned at the selectivity in the approach to human rights, and especially at the systematic harassment of some countries under various pretexts that did not serve the noble objective of protecting and promoting human rights. A responsible and objective dialogue on the basis of respect for national sovereignty, territorial integrity, neutrality, non-selectivity and transparency was the best means of approaching countries on human rights issues, in conjunction with international cooperation and the implementation of the Vienna Declaration and Programme of Action.

45. It was necessary to monitor the thoroughgoing application of the international human rights covenants and to ensure that the United Nations human rights bodies did not depart from their respective mandates established by decisions of Member States, including the mandates of the special rapporteurs and special representatives. Furthermore, it was necessary to rationalize procedures so as to avoid duplication, and the United Nations must be the centre for the coordination of efforts towards dialogue and understanding in order to avoid selectivity and harassment by certain countries that flagrantly disregarded the covenants and the Geneva conventions. Currently, the most serious threat to human rights was the use of the issue by some countries to interfere in the internal affairs of other States under the pretext of humanitarian and legal considerations, in violation of the provisions of the Charter of the United Nations, which underscored the principle of sovereignty and equality of Member States.

46. The General Assembly had adopted a praiseworthy resolution at its tenth emergency special session calling for an inquiry into the serious human rights violations committed by Israel in the Occupied Palestinian Territory. At the same time, the position taken towards a resolution by some States was disappointing, and Israel should not be allowed under any pretext to continue killing Palestinians, or destroying the cities and infrastructure that the Palestinian people had built with the support of the

international community and the sacrifice of the people.

47. His Government had always attached great importance to the protection of human rights, whether civil, political, economic, social or cultural, as reflected in his country's Constitution, which guaranteed all citizens those rights. It complied with international human rights instruments and conventions on the basis of its historical, religious, economic and cultural heritage, always within the framework of political pluralism, freedom of expression and elected representation in people's assemblies and local bodies and in popular organizations covering all sectors of the population. His Government was particularly attentive to women's issues and the role of women in society and believed that nations could not prosper or develop without the active participation of women in all the affairs of the international community.

48. **Mr. Musenga** (Rwanda) said that the genocide perpetrated in 1994 in Rwanda, a State party to the Convention on the Prevention and Punishment of the Crime of Genocide, showed that ratifications or accessions did not guarantee the implementation of human rights instruments. He thus welcomed the fact that the international community was coming to the consensus that, regardless of the principles of sovereignty and non-interference, it had the obligation to intervene in a country when it was a matter of preventing genocide.

49. Rwanda thanked the international community for creating the International Criminal Tribunal for Rwanda; the Government of National Unity, aware of the need to strengthen its justice system, had begun to train judges, prosecutors and investigators and would soon be assisting the conventional courts in their work, for they were overloaded with genocide cases, by instituting "Gacaca" courts, a form of participatory justice. Furthermore, Rwanda, as a party to the Convention on the Elimination of All Forms of Discrimination against Women, had adopted an inheritance law that gave women and men equal access to property and set a precedent for future gender-sensitive legislation. As to the rights of children, Rwanda was also a party to the Convention on the Rights of the Child and was planning to achieve universal primary education by 2010, while at the same time working to rehabilitate children who had witnessed genocide or participated in it.

50. In the context of the democratization and decentralization process, the Constitutional Commission established by the Government would receive the population's proposals about the contents of the future constitution, and elections had been and would continue to be held for grass-roots and community authorities. Furthermore, as reconciliation was necessary for peace, a commission for national unity and reconciliation had been established and a national summit on the topic had been held in the capital. The new national human rights commission had organized various initiatives, which had been supported by Governments, international organizations and the Office of the United Nations High Commissioner for Human Rights. Lastly, it was important to respect other people's cultural values, history, beliefs and economic situation and not to manipulate human rights issues, bearing in mind that, at times, although there was a will to change, the ability was lacking.

51. **Mr. Priedkalns** (Latvia) said that, in the context of Latvia's social integration process, for which the input of non-governmental organizations, academic institutions, bodies of experts and UNDP was increasingly important, the Government had adopted measures to support minority language schools, and State-financed secondary education was available in eight of those languages.

52. Under Latvia's independent judicial system, war crimes, crimes against humanity and genocide were being investigated, and, regardless of their ideology or ethnic origin, the alleged perpetrators were tried. In that regard, Latvia rejected the unfounded accusation, made by the Russian Federation but refuted in document A/54/776, that it had violated human rights. On the other hand, it expressed its concern about the grave violations of human rights committed by the Russian Federation in Chechnya, which had been documented by the Office of the United Nations High Commissioner for Human Rights. His delegation supported the establishment of an independent commission to investigate those violations and hoped that the authorities of the Russian Federation would act in accordance with international law and the human rights instruments to which it was a party.

53. The totalitarian regimes which had occupied Latvia had violated the human rights of the population and one of them had significantly altered its ethnic composition. Nevertheless, the country's citizenship

and language laws conformed to the standards and recommendations of the Organization for Security and Cooperation in Europe, which, together with the specialized agencies of the United Nations and the Council of Europe, had commended Latvia's progress in that regard.

54. **Mr. Sangaré** (Mali) said that the international community had the mission to reaffirm human rights and help States guarantee their exercise, by strengthening democracy and the rule of law, assisting the durable settlement of conflicts and punishing those responsible for genocide, war crimes and crimes against humanity. In Mali, impoverishment, national disintegration into ethnic groups and clans, and misappropriation of public funds with the resulting weakening of institutions were all factors contributing to impunity and violence. In order to ensure respect for human rights, a State should be able to control its territory, maintain public order and act in accordance with the law. Moreover, the agencies of the United Nations system should be mandated to promote the rule of law and law enforcement and to monitor and supervise the fulfilment of State obligations. In the specific context of human rights, the role of non-governmental organizations and agencies defending human rights should be strengthened. Without such external support, many regions, particularly in Africa and the third world, would not be able to guarantee the effective exercise of such rights, owing to the many political, administrative, juridical, sociocultural and economic obstacles.

55. Mali's 1992 Constitution confirmed its democratic, republican and secular nature and guaranteed the fundamental freedoms. Mali had 73 political parties, more than 100 free radio stations, hundreds of social and professional associations and dozens of newspapers which enjoyed freedom of expression. In the judicial sphere, prison sentences were only imposed in cases involving serious crimes; the presumption of innocence and the right to file appeals were embodied in the law and, although it had not been abolished, the death penalty was no longer applied.

56. Every year, Mali celebrated the anniversary of the Universal Declaration of Human Rights in an unusual ceremony in which the authorities held televised public hearings on complaints of human rights violations in the presence of observers. Also, the State mediator took note of complaints by citizens, forwarded them to the President and made obligatory recommendations on re-establishing the rights that had been violated. Lastly, in order to integrate human rights and the right to development, as recommended by the High Commissioner in her report, Mali would elaborate reliable mechanisms for applying the instruments and effective measures to punish violations.

57. **Ms. Trone** (Deputy Executive Director (Programme) of the United Nations Population Fund) said that in the Programme of Action of the International Conference on Population and Development, reproductive rights had been, for the first time, confirmed as an intrinsic component of human rights. Since then those rights had been acknowledged in various international instruments, in particular, the Vienna Declaration, and were considered fundamental for the promotion of the human rights of women and development. Female genital mutilation had been banned in many African countries; policy-makers and healthcare providers in many countries were paying more attention to adolescent reproductive health; access to health services was being improved for poor rural women and efforts were being made to address the particular vulnerability of women and girl children to the HIV/AIDS epidemic.

58. Using a rights-based approach to population and development, the Fund tried to meet the needs of the individual, in particular, women and girl children in developing countries, by promoting respect for human rights, particularly the right to sexual and reproductive health of men and women. However, large-scale violations of the most basic human rights of women and girl children continued, particularly with regard to sexual and reproductive health. In that context, it was also necessary to tackle urgently the difficult issue of trafficking in women and girl children.

59. In order to promote implementation of human rights instruments and the elimination of violence against women, the Fund was advocating in all human rights treaty bodies for integration of the right of all individuals to sexual and reproductive health and for strengthened cooperation with those bodies. It was supporting partnerships to monitor violations of women's reproductive rights in the context of internationally accepted human rights standards; advancing safe motherhood and increased access to family planning by empowering women to make choices on that matter with the support of their families and communities; and contributing to preparations for

the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance by organizing an international round table on indigenous peoples and reproductive health and gender.

60. **Mr. Nuanthasing** (Lao People's Democratic Republic), speaking in exercise of the right of reply, referred to the statement made by the representative of France on behalf of the European Union. In 1975, after enduring periods of foreign domination, colonization and neo-colonialism, his country's multi-ethnic people had chosen a political system suited to their historical, economic, social and cultural particularities. His Government attached great importance to the material and spiritual lives of its people, and since 1986, it had been encouraging the expansion of different economic sectors; that policy had resulted in the growth of a national economy and had established the country's legislative foundation as reflected in the 1991 adoption of its first Constitution and in other instruments. The Constitution guaranteed the people's human rights and fundamental freedoms, including the right to lodge complaints and petitions and to propose ideas to State agencies and the right to freedom of religion, speech, the press, assembly and demonstration.

61. For nearly 25 years, his Government had been working to improve the living conditions of its people. The country continued to enjoy political stability and social harmony, which were necessary conditions for sustainable economic development. It was essential to respect a people's right to choose its own social system and development path; any cooperation in the field of human rights must be conducted with full respect for national independence and the sovereignty of States.

62. **Mr. Al-Rubaie** (Iraq), speaking in exercise of the right of reply, said that the representative of New Zealand had accused Iraq of failing to cooperate in the implementation of the humanitarian programme. The representative of New Zealand should have read the report of the Secretary-General before repeating the allegations of certain States which were sponsoring a premeditated policy of undermining the national independent regime in Iraq. His statement contradicted the report of the Secretary-General dated 8 September 2000 to the Security Council (S/2000/857), paragraph 47 of which commended the Government of Iraq on its cooperation.

63. The real problem was that the oil-for-food programme could not deal with the humanitarian catastrophe caused by the sanctions imposed on Iraq. He provided official figures on the programme: oil sales from the inception of the programme, in December 1996, to 20 October 2000 (US$ 34.5 billion); amount paid into the Compensation Fund (US$ 10.3 billion); amount paid for United Nations administrative costs (US$ 1 billion); amount remaining in the bank account (US$ 10.3 billion). Thus, out of US$ 34.5 billion, only US$ 8.8 billion could be used for humanitarian assistance; the rest was used for other purposes. In reality, the programme should be called "oil for compensation and administrative expenses", rather than "oil for food".

64. Rather than using human rights to promote a purely political agenda, the representative of New Zealand and the representatives of Japan and Norway, who had also made unacceptable accusations against Iraq, should call for the lifting of the sanctions so that 22 million Iraqis could enjoy their human rights, including the right to life and to development.

65. **Mr. Siddig** (Sudan), speaking in exercise of the right of reply, said that the representative of New Zealand had accused the Sudan of human rights violations. It was unfortunate that that delegation had not taken a more balanced approach to the important issue of the use of civilian installations as military bases; that was what the rebels were doing in the south of the country. His Government had called for a ceasefire and, on various occasions, had even declared a unilateral ceasefire in order to create favourable conditions for ending hostilities.

66. **Mr. Yu** Wenzhe (China) said that the representatives of New Zealand, Australia and Norway had made irresponsible, unjustified accusations against China; he was therefore obliged to speak in exercise of the right of reply. Fifty-one years previously, the Chinese people had gained their independence after a difficult struggle. In recent decades, a new China had been promoting and protecting the human rights of all citizens, including the Tibetan people, regardless of their ethnic origin. The majority of countries members of the international community currently recognized that the Chinese people enjoyed all their human rights. However, a few countries denied that reality and were using the United Nations as a forum to accuse others of human rights violations, ignoring those that occurred within their own borders. That practice was harmful, counterproductive and detrimental to international dialogue and cooperation, which were the goal of the United Nations.

The meeting rose at 6.10 p.m.